

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JOE STARR, *individually and on behalf of all  
other similarly situated,*

Plaintiff,

vs.

SCHENKER, INC. and SCHENKER  
LOGISTICS, INC.,

Defendants.

Case No. 14-cv-402-SMY-PMF

**MEMORANDUM AND ORDER**

This matter comes before the Court on the Motion to Seal the Unopposed Motion for Final Approval of Rule 23 Class Settlement (Doc. 59). For the following reasons, the Court **DENIES** the motion.

The Seventh Circuit disfavors requests to seal documents noting that “[w]hat happens in the federal courts is presumptively open to public scrutiny.” *Hicklin Eng’g, L.C. v. Bartell*, 439 F.3d 346, 348 (7th Cir. 2006). “[B]oth judicial opinions and litigants’ briefs must be in the public record, if necessary in parallel versions – one full version containing all details, and another redacted version with confidential information omitted.” *Id.*

In *Swarthout v. Ryla Teleservices, Inc.*, 4:11-cv-PRC, 2012 WL 5361756 (N.D. Ind. Oct. 30, 2012), a court ordered the settlement agreement remain under seal because “assuring confidentiality of the settlement was a key and material term” of the parties’ agreement. *Id.* at \*4. Here, pursuant to the parties’ Settlement Agreement, the parties have agreed to keep confidential “the amount of the Maximum Gross Settlement Amount and the specific amount each Named Plaintiff, Opt-In Plaintiff and Rule 23 Settlement Class Member is entitled to

receive” (Doc. 45-1, p. 17). Maintaining the entire Settlement Agreement confidential, however, is not a key and material term of that agreement.

Accordingly, the Court **DENIES** the Motion to Seal (Doc. 59). The Court **ORDERS** that the unredacted Unopposed Motion for Final Approval of Rule 23 Class Settlement and Attorneys’ Fees and Costs (Doc. 60) **REMAIN UNDER SEAL** and that Plaintiff **FILE** a redacted Motion and Exhibits with any reference to “the amount of the Maximum Gross Settlement Amount and the specific amount each Named Plaintiff, Opt-In Plaintiff and Rule 23 Settlement Class Member is entitled to receive” redacted **on or before May 1, 2015**.

**IT IS SO ORDERED.**

**DATED:** April 21, 2015

s/ Staci M. Yandle  
**STACI M. YANDLE**  
**DISTRICT JUDGE**